

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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LEO MCKAYE,

Plaintiff,

Case No. 2:06cv203

v.

Hon. Gordon J. Quist

ROBERT NAPLES,

Defendants.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

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The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on January 29, 2007. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed January 29, 2007, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that this matter is **DISMISSED** based on the death of the plaintiff.

/s/Gordon J. Quist  
Hon. Gordon J. Quist  
U.S. District Judge

Dated: March 6, 2007